



## PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 150-3	Subject: <b>REFERRAL/PLACEMENT OF DIVERTED OFFENDERS (PROBATIONERS) TO DEPARTMENT FACILITIES OR PROGRAMS</b>	
Chapter 150: COMMUNITY CORRECTIONAL PROGRAM	Page 1 of 4	
Signature: /s/ Mary Fay	Revision Date: 12/04/01; 06/17/02	
	Effective Date: 06/01/00	

**I. BUREAU DIRECTIVE:** Probation and Parole Bureau employees will follow established procedures for appropriate referral/placement of diverted offenders (probationers) to Department facilities or programs.

**II. AUTHORITY:**

53-30-302, M.C.A.      *Community Corrections Act, Purpose*  
 46-18-201, M.C.A.      *Sentences that May be Imposed*  
 53-1-201, M.C.A.      *Purpose of the Department of Corrections*  
 53-3-401, M.C.A.      *Boot Camp Incarceration Program*

**III. DEFINITIONS:**

**Department of Corrections Facilities and Programs** means a program such as the Treasure State Correctional Training Center, Intensive Supervision Program, Intensive Challenge Program, a Pre-Release Center or other Department operated or contracted facility or program.

**The Department of Corrections will not fund placement of probation diversions in Pre-Release.** Funding options may include the county, offender, offender's family, etc. Funding arrangements will need to be made prior to the offender's arrival at Pre-Release if accepted. If no funding options exist, Pre-Release will not be an option.

**IV. PROCEDURES:**

The Probation and Parole Bureau will coordinate efforts to ensure that once an offender is ordered by the Sentencing Court to enter and complete a Department of Corrections program as a condition of probation, appropriate placement procedures are followed.

Officers shall ensure all diversionary procedures have been properly followed:

- a. The offender arrives at the appropriate Department facility or program.
- b. The Probation offender accepted to ISP has been signed to the Rules and Conditions of P&P 60-1 (E) and subsequently signed to the Rules and Conditions of ISP-P&P 150-2&3 (A&B) and all ACIS forms have been properly distributed.
- c. Monitors the progress and behavior of the offender while residing at the facility or program.
- d. Prepares and submits progress reports and reports of violation as required.

**PROCEDURE:**

1. Formal application is submitted to the Department facility or program. Any major medical problems are determined and documentation is submitted with the application.

**RESPONSIBILITY:**

Offender  
P&P Officer

**PROCEDURE:**

**RESPONSIBILITY:**

Procedure No.: P&P 150-3	Chapter: Community Correctional Program	Page 2 of 4
Subject: <b>REFERRAL/PLACEMENT OF DIVERTED OFFENDERS (PROBATIONERS) TO COMMUNITY CORRECTIONS PROGRAMS</b>		

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| 2. Application is screened and decision is reported to the offender or defense attorney/P&P Officer.  | Department Facility or<br>Program Screening<br>Committee |
| 3. When an ISP Screening Committee decides an offender's acceptance on ISP is contingent upon electronic monitoring throughout the program, approval is sought from the Probation and Parole Bureau Chief.  | ISP Screening Committee<br>P&P Bureau Chief              |
| 4. The application and placement decision will be forwarded to the sentencing judge for review and consideration.   | Offender or Defense Attorney<br>P&P Officer              |
| 5. If the Sentencing Judge determines the Department facility or program is an appropriate placement, the Judge orders: <ul style="list-style-type: none"> <li>a. the Offender to a suspended or deferred sentence;</li> <li>b. the Offender be placed under the supervision of the Department of Corrections, Probation &amp; Parole Bureau.</li> <li>c. that a condition of the Offender's suspended/deferred sentence include the Offender enter and complete the specific program.</li> </ul> | Sentencing Court<br>Judge                                |
| 6. Upon receiving the Judgment ordering placement in a Department Facility or program, the appropriate Probation and Parole Officer is notified.  | P&P Officer  |
| 7. A travel permit is issued and instructions are given to the offender when necessary.   | P&P Officer  |
| 8. The Department facility or program is notified of the transportation arrangements and the time the offender will arrive.   | P&P Officer  |
| 9. The complete file, including a copy of the Sentencing Order, the offender's signed rules, the risk/needs and ACIS forms, is sent to the Probation and Parole Officer within seven (7) days.  | P&P Officer  |
| 10. No offender will be placed in a Department facility or program until the Probation & Parole Officer II receives a Judgment/Sentencing Order/Order of Incarceration signed by the Judge. <b><u>The Certified Judgment should be secured as soon as possible.</u></b> For classification purposes, the offender will be on Level III supervision unless diverted to ISP.  | P&P Officer  |

**PROCEDURE:**

**RESPONSIBILITY:**

Procedure No.: P&P 150-3	Chapter: Community Correctional Program	Page 3 of 4
Subject: <b>REFERRAL/PLACEMENT OF DIVERTED OFFENDERS (PROBATIONERS) TO COMMUNITY CORRECTIONS PROGRAMS</b>		

All diverted offender's files will be transferred to the region of placement until they have completed the Department's facility program or other program.

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| 11. A report of violation is prepared when an offender is discharged from a program due to disciplinary action. The report of violation is submitted to the court of jurisdiction. | P&P Officer |
| 12. The transportation is coordinated to return the offender to the county of sentence for revocation proceedings.   | P&P Officer |

**Note: All discharged offenders will be immediately removed from the facility or program unless the facility or program authorizes continued placement.**

**In the event a probationer absconds from a facility or program, Program personnel must immediately notify the Probation & Parole Officer II or Regional Administrator. The Probation & Parole Officer will issue a pick up and hold warrant and notify local authorities of the offender's status. A diverted offender who absconds is entitled to bond. A bench warrant may be requested from the sentencing jurisdiction.**

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| 13. Upon successful completion of the facility's program or other program, the offender's future placement plans are determined.   | P&P Officer<br>Offender |
| 14. In the event the offender plans to transfer to another Probation/Parole Office or another state, the appropriate Probation/Parole Officer will be contacted and a travel permit issued or Interstate paperwork will be submitted. All file material will be transferred accordingly. | P&P Officer             |

**V. CLOSING:** Questions concerning this procedure shall be directed to the Regional Administrator or designee.

#### **Forms**

- P&P 150-2 & 3 (A&B) Conditions of ISP-P&P
- P&P 150-1,2,& 3 (C) Request for ISP Candidacy
- P&P 150-1,2,& 3 (D) ISP Screening Referral
- P&P 150-1,2,& 3 (E) ISP Screening Denial Letter
- P&P 150-1,2,& 3 (F) ISP Residence/Visitor List

Procedure No.: P&P 150-3	Chapter: Community Correctional Program	Page 4 of 4
Subject: <b>REFERRAL/PLACEMENT OF DIVERTED OFFENDERS (PROBATIONERS) TO COMMUNITY CORRECTIONS PROGRAMS</b>		

P&P 150-1,2,& 3 (G)	ISP Employer Letter
P&P 150-1,2,& 3 (H)	ISP Daily Employment Search Log
P&P 150-1,2,& 3 (I)	ISP Restitution/Supervision Fee Log
P&P 150-1,2,& 3 (J)	ISP Community Service Log
P&P 150-1,2,& 3 (K)	ISP AA/NA/GA/SA Attendance Log
P&P 150-1,2,& 3 (L1)	Missoula ISP Weekly Schedule
P&P 150-1,2,& 3 (L2)	Butte ISP Weekly Schedule
P&P 150-1,2,& 3 (L3)	Great Falls ISP Weekly Schedule
P&P 150-1,2,& 3 (L4)	Billings ISP Weekly Schedule
P&P 150-1,2,& 3 (L5)	Kalispell ISP Weekly Schedule
P&P 150-1,2,& 3 (L6)	Bozeman ISP Weekly Schedule
P&P 150-1,2,& 3 (M)	ISP Adult Chronological History
P&P 150-1,2,& 3 (N)	ISP Officer Handbook
P&P 150-1,2,& 3 (O)	ISP Offender Handbook
P&P 150-1,2,& 3 (R)	ISP Monthly Report
Private Vendor	Electronic Monitoring-(BI) Client/Case Enrollment(Not P&P computerized)
Pre-Release	Pre-Release Referral
Pre-Release	Pre-Release Application